

State of California



SECRETARY OF STATE

CONDITIONAL APPROVAL OF USE OF CERTAIN *ELECTION SYSTEM AND SOFTWARE, INC.* OPTICAL SCAN VOTING SYSTEMS

I, MARK L. KYLE, Undersecretary of State of the State of California, do hereby certify that:

1. *Election Systems and Software, Inc.* of Omaha, Nebraska ("Vendor"), has requested approval for use in California elections of its Unity Version 2.4.3 consisting of Audit Manager v. 7.0.2.0, EDM v. 7.2.1.0, ESSIM v. 7.2.0.0, HPM v. 5.0.3.0 and ERM v. 6.4.3.0, to be used in conjunction with Model 100 Version 5.0.0.0 (Precinct Scanner), Model 550 Version 2.1.1.0 (Central Scanner) and/or Model 650 Version 1.2.0.0. (Central Scanner) as well as its Procedures for Model 100 Precinct Scanner and Models 550 and 650 Central Scanners, submitted on or about September 8, 2004.
2. Independent Testing Authority reports for Unity Version 2.4.3, Model 100 Version 5.0.0.0, Model 550 Version 2.1.1.0 and Model 650 Version 1.2.0.0 have been received by the Secretary of State.
3. The voting systems described above have been federally qualified as evidenced by the assigned NASED Number N-1-02-21-21-002, dated September 17, 2004.
4. The voting systems have been determined to be in compliance with California law by the State's Voting System Technical Expert, with the addition of certain security enhancements as indicated below.
5. The request for approval of the voting systems as described in Paragraph 1 was considered at a duly noticed public hearing held September 9, 2004, at Sacramento, California.

6. The Voting Systems and Procedures Panel and the State's Voting System Technical Expert have recommended that the request for approval be granted, with certain conditions.
7. Election Systems and Software, Inc.'s Unity Version 2.4.3 consisting of Audit Manager v. 7.0.2.0, EDM v. 7.2.1.0, ESSIM v. 7.2.0.0, HPM v. 5.0.3.0 and ERM v. 6.4.3.0, used in conjunction with Model 100 Version 5.0.0.0 (Precinct Scanner), Model 550 Version 2.1.1.0 (Central Scanner) and/or Model 650 Version 1.2.0.0. (Central Scanner) as well as its Procedures for Model 100 Precinct Scanner and Models 550 and 650 Central Scanners are hereby approved for use subject to the following terms and conditions:
 - a. No substitution or modification of the voting systems described in Paragraph 1 shall be made with respect to any component of the voting systems, including the Procedures submitted on or about September 8, 2004, until the Secretary of State has been notified in writing and has determined that the proposed change or modification does not impair the accuracy and efficiency of the voting systems sufficient to require a re-examination and approval;
 - b. Vendor shall replace any system component for Unity, Model 100 scanner, Model 550 or Model 650 scanners that lacks State approval for use (certification) in all client jurisdictions in the State, with certified components contained herein, in sufficient time for use in the November 2004 General Election;
 - c. The Model 100 scanner identified in Paragraph 1 shall not be permitted to be connected to an exterior communication system, including the public telephone system;
 - d. Vendor shall submit to the Secretary of State edited Procedures for use with Model 100, Model 550 and Model 650 scanners to correct spelling and grammatical errors identified by the Voting Systems and Procedures Panel by September 21, 2004, or a later date as otherwise specified in writing by the Secretary of State;
 - e. The Secretary of State reserves the right, with reasonable notice to Vendor and to the counties using any of the voting systems, to modify the Procedures used with any of the voting systems and to impose additional requirements with respect to the use of any of the systems if the Secretary

of State determines that such modifications or additions are necessary to enhance the accuracy, reliability or security of any of the voting systems. Such modifications or additions shall be deemed to be incorporated herein as if set forth in full;

- f. Any county using any voting system described in Paragraph 1 shall, prior to such use, file with the California Secretary of State a copy of its Election Observer Panel Plan.



IN WITNESS WHEREOF, I hereunto set my hand and affix the Great Seal of the State of California, this 17th day of September, 2004.

A handwritten signature in blue ink, reading "Mark L. Kyle".

MARK L. KYLE
Undersecretary of State